

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

HAROLD VÁZQUEZ

Plaintiff

Vs.

UNITED STATES OF AMERICA;
U.S. POSTAL SERVICE; JOHN
DOE AND RICHARD DOE

Defendants

CIVIL NO.:

FEDERAL TORTS CLAIM ACT

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW, the plaintiff, through the undersigned attorney, and very respectfully allege, state and request:

I. NATURE OF THE CASE

1. This is an action in torts, for damages, under Puerto Rico Civil Code, Article 1536.

II. JURISDICTION AND VENUE

2. This Honorable Court has jurisdiction over the parties and the subject matter of this litigation in accordance with the provisions of the Federal Torts Claim Act, 28 U.S.C Sec. 2671, et seq. and pursuant to 28 U.S.C. Sec. 2401, et. seq. as the defendant in this case is the United States of America.

3. In accordance with the provisions of the Federal Tort Claims Act, on October 23, 2023, plaintiff filed an administrative claim with the United States Postal Service through the office of the USPS, Tort Claim Coordinator. Since more than six months have elapsed without reaching any agreement, plaintiff, in accordance with 28 U.S.C. Sec. 2401(b) files the present cause of action.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(a) since the claims alleged arose in this judicial district.

III. THE PARTIES

5. The plaintiff is Harold Vázquez, of legal age, married, citizen of the United States of America and resident of and with domicile in Carolina, Puerto Rico. At the moment of the accident alleged herein, Mr. Vázquez was on his working capacities as an employee of Professional Graphics, Inc.

6. The United State Postal Service, an agency of the government of the United States of America, is the responsible entity of the damages alleged herein. Therefore, the United States of America is called to respond for the negligent acts and/or omissions of one of its agencies.

7. Defendant John Doe and Richard Doe are other unknown defendants that may be jointly liable to plaintiff for the acts herein described which correct names will be substituted as soon as the are known.

IV. GENERAL ALLEGATIONS

8. On February 27, 2023, at 5:35 P.M., plaintiff Harold Vázquez arrived in his company truck to Carolina's Postal Office, located in Baldorioty de Castro Avenue, with the purpose of unloading some merchandise and transferring it to a US Postal Service truck.

9. When Mr. Vázquez stepped into the back of the US Postal Service truck to help unload and/or accommodate the wooden fingerboard pallets that were being transferred, a security support tube that held the chain of the steel tailgate broke. This caused that said steel tailgate came off the chain, slamming and pinching Mr. Vázquez left foot.

10. The accident occurred because of the negligence of the US Postal Service, for knowingly having a defective and damaged tailgate in one of its trucks; for not giving a proper maintenance to its vehicles; for failing to properly inspect them; and for failing to guarantee the minimum security and safety provisions to avoid accidents as the one alleged herein.

11. As a result of the accident, plaintiff Vázquez suffered a severe ankle trauma which required emergency medical treatment in Doctors Center Hospital in Carolina. Afterwards, additional medical treatment was required through the Puerto Rico State Insurance Fund Corporation.

12. As of today, it is unknown if he will remain with a partial impairment of his whole person.

13. Defendants John Doe and Richard Doe are directly jointly and severally liable to the Plaintiff for all the damages caused to him as a result of the above.

V. CAUSES OF ACTION

1. First Cause of Action

14. All the paragraphs stated herein above are literally incorporated herein and are made part of this paragraph.

15. As a direct consequence of the facts described above, plaintiff Harold Vázquez suffered severe damages in his left foot.

16. As a direct consequence of this accident, Mr. Vázquez received medical treatment through "Puerto Rico State Insurance Fund" under case number 20231523333.

17. Plaintiff Harold Vázquez is entitled to receive full, just and fair compensation for these damages, in a money amount of **forty thousand dollars (\$40,000.00)**.

2. Second Cause of Action

18. All the paragraphs stated herein above are literally incorporated herein and are made part of this paragraph.

19. As a direct result of the physical injuries and permanent disabilities stated above, plaintiff Harold Vázquez has sustained the loss of his capacity to engage in his life activities and to enjoy life.

20. As a direct result of the above, plaintiff Harold Vázquez has suffered, is suffering and will continue to suffer severe mental, psychological, moral and emotional pain, anguish and distress.

21. Plaintiff Harold Vazquez is entitled to receive full, just and fair compensation for the above stated damages, in a money amount of **ten thousand dollars (\$10,000.00)**.

VI. PRAYER FOR RELIEF

WHEREFORE, it is respectfully requested that Judgment be entered by this Honorable Court in favor of the Plaintiff and jointly and severally against the Defendants.

A. Granting the Plaintiff all the sums requested in complaint.

B. Imposing upon the Defendants the payment of all costs and expenses to be incurred in this lawsuit.

C. Granting the Plaintiff any other relief that they may be entitled to as a matter of law.

I hereby certify that a copy of this complaint has been sent to the Administrator of the Puerto Rico State Insurance Fund.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico this 16th day of July 2024.

s/Juan M. Cancio Biaggi

JUAN M. CANCIO BIAGGI
USDC-PR 229811
PMB 317
P.O. Box 70344
San Juan, P.R. 00936
Tel: (787)763-1211
Fax: (787)763-1215
Email: jm@canciobiaggi.com